

City of Bloomington, Minnesota
DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE:	PL2016-103
APPLICANT:	Roncor Construction
LOCATION:	141 East 105 th Street Circle
REQUEST:	Variance to reduce the rear yard setback from 30 feet to 20.4 feet for a porch addition

Variance Findings – Section 2.98.01 (b)(2)(A-C)

A) That the variance is in harmony with the general purposes and intent of the ordinance;

- A three-season porch as part of a single family dwelling is a reasonable addition to a single family home in the R-1 zoning district. The intent of the required setback is to provide usable yard area and open space, as well as separation between principal structures. While the living area of the single family home will be extended closer to the rear property line, the usable open space in the rear yard will not be further reduced beyond the existing condition due to the present location of the existing deck and patio, both permitted encroachments. The variance is in harmony with the purpose and intent of the ordinance.

B) That the variance is consistent with the comprehensive plan;

- The requested variance would allow the single family home to have an enclosed, three-season porch, which is a reasonable improvement for single family homes in Bloomington. The proposed use is consistent with the property's land use guidance of Low Density Residential. The request is consistent with the Comprehensive Plan.

C) When the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

- The applicant's practical difficulty in constructing a code-complying porch addition towards the rear yard is created by the shallow depth of the applicant's residential lot. The lot is 102.1 feet in depth, far below the average depth of surrounding residential properties.

Practical difficulties as used in connection with the granting of the variance, means that:

- (i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
 - The footprint of the existing single family home located at 141 East 105th Street Circle is 28 feet in depth. The applicant desires

to construct a three-season porch addition that would extend the footprint towards the rear yard an additional 12 feet, the minimum depth needed to create a functional porch area. The proposed porch addition would be located approximately in the same location as an existing deck and above an existing patio. The open or landscaped portion of the rear yard will not be reduced due to the proposed porch addition. A 9.6 foot encroachment into a rear yard setback to construct a porch addition on a shallow lot is a reasonable use not permitted by an official control.

- (ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
 - The property was platted in 1970 with a lot depth of 102.1 feet, which is markedly less depth than surrounding residential properties. The limited depth of the residential lot restricts the buildable area available to the property owner to an inordinate degree in the context of the surrounding neighborhood. The atypical lot depth represents a unique circumstance to the subject property that was not created by the landowner.
- (iii) The variance if granted will not alter the essential character of the locality.
 - Three-season porches are common improvements associated with single family homes. The proposed porch addition will not extend the south elevation of the home to a distance or location that would be inconsistent with the surrounding neighborhood. The open or landscaped portion of the existing rear yard area will be maintained. The requested variance will not alter the essential character of the locality.

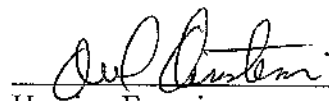
DECISION OF THE HEARING EXAMINER

In Case PL2016-103, I move to recommend City Council approval of a variance to reduce the rear yard setback from 30 feet to 20.4 feet for a porch addition at 141 East 105th Street Circle for the following reasons:

1. The granting of the variances would not unduly interfere with the general intent and purpose of the Ordinance.
2. The granting of the variances would allow a reasonable use not permitted by the zoning ordinance.
3. The granting of the variances would not adversely affect the health, safety and general welfare of the residents or the public.

And subject to the following conditions:

1. The rear yard setback variance is only applicable to the encroachment of the planned porch addition as shown on the plans in Case File PL2016-103.



Hearing Examiner

July 5, 2016